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EXTRAORDINARY

PART II—Section 1

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MINISTRY OF LAW

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The following President's Act enacted on the 22nd December, 1951, is published for general information:—

**THE PUNJAB TENANTS (SECURITY OF TENURE)
AMENDMENT ACT, 1951**

No. V of 1951

**An Act to amend the Punjab Tenants (Security of Tenure)
Act, 1950, for affording further security of tenure to tenants.**

[22nd December, 1951]

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1951 (XLVI of 1951), the President is pleased to enact as follows:—

1. Short title and commencement.—(1) This Act may be called the Punjab Tenants (Security of Tenure) Amendment Act, 1951.

(2) It shall come into force at once.

2. Amendment of section 1, Punjab Act XXII of 1950.—For sub-section (4) of section 1 of the Punjab Tenants (Security of Tenure) Act, 1950 (hereinafter referred to as the principal Act), the following sub-section shall be substituted, namely:—

“(4) Nothing contained in this Act shall apply to—

- (i) any land held by an occupancy tenant, or
- (ii) any land reserved under this Act for self-cultivation by any landowner, or
- (iii) any land which, after excluding any such area therefrom as may be held by an occupancy tenant, does not exceed in area the permissible limit, or

(iv) any land held by a tenant or lessee under Government, but save as provided in this sub-section this Act shall apply to all land held by a landowner in the State of Punjab."

3. Amendment of section 2, Punjab Act XXII of 1950.—In section 2 of the principal Act,—

(i) in clause (3), for the figures "100" and "200", wherever they occur, the figures "50" and "100" shall respectively be substituted;

(ii) in item (ii) of clause (5), for the figure "4" the word "five" shall be substituted.

4. Amendment of section 3, Punjab Act XXII of 1950.—In section 3 of the principal Act,—

(i) in the proviso to sub-section (1), for the words "he has in his possession", the words "he had in his possession immediately before the commencement of this Act" shall be substituted, and after the said proviso the following further proviso shall be inserted, namely:—

"Provided further that where a landowner has intimated his selection to the patwari before the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, such selection shall cease to have effect on such commencement and the landowner shall intimate his selection afresh in the manner specified in this section, so, however, that the fresh selection is confined to the land already reserved under the selection which has ceased to be effective.";

(ii) in sub-section (3), for the words "The right to reserve shall cease if it is not exercised within a year from the date of commencement of this Act;" the following words shall be substituted, namely:—

"A landowner whose selection has ceased to be effective under sub-section (1) shall be entitled to intimate a fresh selection after the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, but such right shall cease if it is not exercised within one year from the date of such commencement;"

(iii) in sub-section (4),—

(a) for the word "landlord" the word "landowner" shall be substituted; and

(b) for the words "on application" the words "on application made to the prescribed authority and on satisfying such authority that he was not at the time of ejectment a tenant to whom the provisions of section 3 could have applied" shall be substituted.

(iv) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(5) Where by reason of the provisions contained in this section any land reserved before the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, ceases to be so reserved after such commencement, the tenant ejected therefrom before such commencement shall, on application made to the prescribed authority and on satisfying such authority that he was

not at the time of ejection a tenant to whom the provisions of section 6 could have applied, be restored to possession of such land on the same terms and conditions on which it was held by him at the time of ejection:

Provided that at the time of ejection the tenant had been in occupation of the land from a date anterior to the date of commencement of this Act.

(6) The period of limitation for an application under sub-section (5) shall be one year from the date of intimation of selection given after the commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, or, if no such intimation is given within the period specified in sub-section (1), two years from the date of such commencement."

5. Amendment of section 5, Punjab Act XXII of 1950.—In section 5 of the principal Act,—

(i) in sub-section (1), for the word "four" the word "five" shall be substituted;

(ii) in sub-section (2), for the word and figures "section 14" the words and figures "section 3 or section 14" shall be substituted.

6. Amendment of section 6, Punjab Act XXII of 1950.—In section 6 of the principal Act,—

(i) the word "or" shall be inserted at the end of clause (vi), and after that clause the following clause shall be inserted, namely:—

"(vii) who holds land in any capacity whatever in excess of the permissible limit, to the extent to which any land so held is in excess of the permissible limit.";

(ii) the existing *Explanation* shall be numbered as *Explanation I*, and after that *Explanation* as so numbered the following further *Explanation* shall be inserted, namely:—

"*Explanation II.*—For the purpose of clause (vii), where a tenant holds land jointly with others, the shares of the other joint holders in the land shall not be taken into account in computing the area of land held by the tenant."

7. Substitution of new section for section 7, Punjab Act XXII of 1950.—For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Amount of rent.*—(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or in any agreement or usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the prescribed manner.

(2) In computing the maximum rent payable by a tenant, such portion of the rent, if any, as represents the consideration for services or facilities provided by the landlord in relation to the land shall not be taken into account.

Explanation.—Where the portion of the rent payable for such services or facilities has not been specifically provided for in the agreement between the parties, it shall be computed having regard to the usage of the locality, and if there is no such usage, having regard, amongst other matters, to—

(a) the amount by which the value or the produce of the tenancy or the value of that produce is increased by such services or facilities;

(b) the condition or nature of the services or facilities and the probable duration of their effects;

(c) the labour or capital required for the provision of such services or facilities.

(3) Subject to the provisions of sub-sections (1) and (2), the amount payable by a tenant shall be such as has been agreed to in writing between the landlord and the tenant, and in the absence of any such agreement, the customary rent for similar land prevalent in the tehsil in which the land is situate."

8. Amendment of section 9, Punjab Act XXII of 1950.—In section 9 of the principal Act, for the word "four" the word "five" shall be substituted.

9. Amendment of section 10, Punjab Act XXII of 1950.—In section 10 of the principal Act, for the words "lands acquired" the words "lands acquired by the State Government" shall be substituted.

10. Insertion of new sections 12A, 12B and 12C in Punjab Act XXII of 1950.—After section 12 of the principal Act, the following new sections shall be inserted, namely:—

"12A. *Right of certain tenants to pre-empt sale, etc., of land.*—Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant—

(i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of the sale of the land or foreclosure of the right to redeem the land, or

(ii) who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of this Act on grounds other than those mentioned in section 6, and was in continuous occupation of the land comprised in his tenancy for a period exceeding four years on the date of his ejection, or

(iii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejection and immediately after restoration of his tenancy together exceed four years,

shall, be preference to the rights of other pre-emptors as provided in the Punjab Pre-emption Act, 1913 (Punjab Act I of 1913), be entitled to pre-empt the sale or foreclosure of the land in the manner

prescribed in that Act within one year from the date of the sale or foreclosure, as the case may be:

Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity or, if a woman, was a widow or was unmarried.

12B *Right of certain tenants to purchase land.*—(1) Notwithstanding anything to the contrary contained in any law, usage or contract, a tenant—

(i) who has been in continuous occupation of the land comprised in his tenancy for a period exceeding twelve years, or

(ii) who has been restored to his tenancy under the provisions of this Act and whose periods of continuous occupation of the land comprised in his tenancy immediately before ejectment and immediately after restoration of his tenancy together exceed twelve years, or

(iii) who was ejected from his tenancy after the 14th day of August, 1947, and before the commencement of this Act, and who was in continuous occupation of the land comprised in his tenancy for a period exceeding twelve years on the date of his ejectment,

shall be entitled to purchase from the landlord the land so held by him, in the case of a tenant falling within clause (i) or clause (ii) at any time, and in the case of a tenant falling within clause (iii) within a period of one year from the date of commencement of the Punjab Tenants (Security of Tenure) Amendment Act, 1951:

Provided that no tenant referred to in this sub-section shall be entitled to exercise any such right in respect of the land or any portion thereof if he had sublet the land or portion, as the case may be, to any other person during any period of his continuous occupation, unless during that period the tenant was suffering from a legal disability or physical infirmity or, if a woman, was a widow or was unmarried.

(2) A tenant desirous of purchasing land under sub-section (1) shall make an application in writing to an Assistant Collector of the First Grade under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), having jurisdiction in the district in which the land is situate for determining the value of such land, and the Assistant Collector, after giving notice to the landlord and to all other persons interested in the land and after making such inquiry as he thinks fit, shall fix the value of the land.

(3) A tenant shall be deemed to have purchased the land if he deposits the value thereof as so fixed with the Assistant Collector within such time as that officer appoints.

(4) On the value being so deposited, the Assistant Collector shall, on the application of the tenant, put the tenant in possession of the land.

(5) If the land is subject to a mortgage at the time of the purchase, the land shall pass to the tenant unencumbered by the mortgage, but the mortgage debt shall be a charge on the purchase money.

(6) If there is no such charge as aforesaid, the Assistant Collector shall, subject to any directions which he may receive from any court, pay the purchase money to the landlord.

(7) If there is such a charge, the Assistant Collector shall, subject as aforesaid apply in the discharge of the mortgage debt so much of the purchase money as is required for that purpose and pay the balance, if any, to the landlord, or retain the purchase money pending the decision of a civil court as to the person or persons entitled thereto.

Explanation.—For the purposes of section 12A or section 12B,—

(a) in computing the period of continuous occupation, the period during which the tenant was suffering from a legal disability or physical infirmity or was a widow or an unmarried woman shall be excluded;

(b) a tenant for a fixed term exceeding five years shall also be deemed to be a tenant.

12C. *Sections 12A and 12B not to apply to certain property and tenants.*—Nothing contained in section 12A or section 12B shall—

(a) affect any evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), or

(b) apply to a tenant who is himself holding land in excess of the permissible limit."

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secy. to the Govt. of India.

Reasons for the enactment

Since the enactment, in October, 1950, of the Punjab (Security of Tenure) Act, 1950, the course of events has tended to show that the relief granted to tenants by the Act is inadequate. The Act of 1950 aims at giving relief to tenants-at-will whose tenancies are for a term not exceeding four years. Its scope, however, is limited to tenants of landowners owning more than 200 acres of land or 100 standard acres (a standard acre being an acre convertible with reference to the quantity of yield and quality of soil into ordinary acres according to rules). Even such a landowner is

entitled under the Act to reserve 100 standard acres of his land for self-cultivation and the tenants of such reserved area are excluded from the benefits of the Act. The main relief which the Act gives to the tenants, is the fixing of the minimum period of their tenancies at *four years*.

2. The present Punjab Tenants (Security of Tenure) Amendment Act, 1951, reduces the limit of ownership of a landowner who would be affected from 200 ordinary acres or 100 standard acres of land to 100 ordinary acres or 50 standard acres respectively. It enhances the minimum period of a tenancy from four to five years. It attempts to fix the maximum rent of a tenant-at-will at one-third of the crop of the land or its equivalent in value. It enables a tenant who has been in continuous possession of his land for a period of four years to pre-empt any sale of his tenancy. Finally, it enables a tenant who has been in continuous possession of his land for a period exceeding twelve years to purchase the land of his tenancy at any time (the price to be fixed by the Assistant Collector). Advantage has also been taken to make some minor drafting improvements in the original Act.

H. V. R. IENGAR,

Secy. to the Govt. of India,

Ministry of Home Affairs.

